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**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of

Major Market Stations, Inc.  
Antenna Structure Owner  
Corona, California

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File No. EB-FIELDWR-13-00011748  
NOV No. V201432940006

**NOTICE OF VIOLATION**

**Released:** November 21, 2013

By the District Director, San Diego Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)<sup>1</sup> to Major Market Stations, Inc. (Major Market) owner of antenna structure identified as "Tower 5,"<sup>2</sup> which is one tower of a five tower antenna array for AM radio station KWRM, in Corona, California. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.<sup>3</sup>

2. On July 30, 2013, and November 13, 2013, an agent of the Enforcement Bureau's San Diego Office inspected the above Tower 5 located in Corona, California, behind the main studio of Major Market's AM radio station KWRM and observed the following violations:

- a. 47 C.F.R. § 17.7: "A notification to the Federal Aviation Administration is required, except as set forth in § 17.14, for any of the following construction or alteration: (a) Any construction or alteration of more than 60.96 meters (200 feet) height above ground level at its site." A notification to the FAA could not be found after a search of the FAA's database. Also, Major Market's letter dated September 30, 2013, stated that the physical height of Tower 5 is 62.79 meters in height, requiring notice to the FAA, and that the station does not have any record of notification of the FAA regarding this tower.

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> The San Diego Office issued a Letter of Inquiry (LOI) to Major Market Stations, Inc., on August 22, 2013, asking the current height of each of the five towers and if the towers were greater than 60.96 meters had the FAA been notified. The San Diego office received a reply from Major Market dated September 30, 2013, that each of the five towers was greater than 60.96 meters and that Major Market did not have a record of the FAA being notified about the towers, and that Major Market would proceed to notify the FAA and register the towers with the FCC. The reply designated the towers in the antenna array as "Tower 1", "Tower 2", "Tower 3", "Tower 4", and "Tower 5". This Notice adopts those designations.

<sup>3</sup> 47 C.F.R. § 1.89(a).

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- b. 47 C.F.R. § 17.4(a):” Effective July 1, 1996, the owner of any proposed or existing antenna structure that requires notice of proposed construction to the FAA must register the structure with the Commission. This includes those structures used as part of stations licensed by the Commission for the transmission of radio energy . . . .” At the time of inspection, Tower 5 was not registered.
- c. 47 C.F.R. § 17.50: “Antenna structures requiring painting under this part shall be cleaned or repainted as often as necessary to maintain good visibility.” The antenna structure was required to be painted and at the time of the inspection, the agent observed that the paint was partially faded on Tower 5.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>4</sup> and Section 1.89 of the Rules, we seek additional information concerning the violation and any remedial actions taken. Therefore, Major Market must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain the violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct the violations and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>5</sup>

4. In accordance with Section 1.16 of the Rules, we direct Major Market support the response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by a licensee representative with personal knowledge of the representations provided in the response, verifying the truth and accuracy of the information therein,<sup>6</sup> and confirming that all of the information requested by this Notice which is in the registrant’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>7</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

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<sup>4</sup> 47 U.S.C. § 403.

<sup>5</sup> 47 C.F.R. § 1.89(c).

<sup>6</sup> Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

<sup>7</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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Federal Communications Commission  
San Diego Office  
4542 Ruffner St., # 370  
San Diego, CA 92111

6. This Notice shall be sent Major Market Stations, Inc., at the address of record.

7. The Privacy Act of 1974<sup>8</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

James T. Lyon  
District Director  
San Diego Office  
Western Region  
Enforcement Bureau

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<sup>8</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).